

ORDINANCE NO. 1995-2

CONEWANGO TOWNSHIP, WARREN COUNTY, PENNSYLVANIA

TRANSIENT BUSINESS ORDINANCE

IT IS HEREBY ENACTED AND ORDAINED by the Supervisors of Conewango Township as follows:

ARTICLE I -- Definitions.

As used in this Ordinance, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

Legal Holiday - New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas.

Municipality - Conewango Township, Warren County, Pennsylvania

Transient Retail Business -

1. Engaging in peddling, soliciting, or taking orders, either by sample or otherwise, for any goods, wares, or merchandise upon any street, alley, sidewalk, or public ground, or from house to house, within the Municipality; or

2. Selling, soliciting or taking orders for any goods, wares or merchandise, from a fixed location within the Municipality, on a temporary basis, which shall include, but not be limited to, such activities conducted at the time of special occasions or celebrations, for seasonal purposes, or for or in advance of specific yearly holidays.

3. The distributing of any promotional or advertising materials.

The singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and the neuter.

ARTICLE II - License Required.

No person shall engage in any transient retail business within the Municipality without first having obtained from the Municipality a license, for which a fee, which shall be for the use of the Municipality, shall be charged:

Fifty Dollars (\$50) for one month

One Hundred Dollars (\$100) for one year

Said issuance fees may be amended, from time to time, pursuant to a Resolution of the Supervisors.

ARTICLE III - Exceptions.

No license shall be required for:

1. Farmers selling their own produce;
2. The sale of goods, wares and merchandise, donated by the owners thereof, the proceeds whereof are to be applied to any charitable or philanthropic purpose;
3. Any manufacturer or producer in the sale of bread and bakery products, meat and meat products, or milk and milk products;
4. School students attending any school district serving the Municipality;
5. Any honorably discharged member of any of the armed services who complies with the Act of 1867, April 8, P.L. 50, 60 P.S. § 61 (1982), hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania, and who procures from the Prothonotary a certificate in pursuance of the Act of 1867;
6. The seeking or taking of orders by insurance agents or brokers licensed under the insurance laws of the Commonwealth of Pennsylvania;

7. Any person who has complied with the provisions of the Solicitation of Charitable Funds Act, August 9, 1963, P.L. 628, 10 P.S. §§ 160-1, et seq., (1982), as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania;

8. Taking orders for merchandise, by sample, from dealers or merchants for individuals or companies who pay a license or business privilege tax at their chief place of business;

9. Organizations which solicit only within the membership of the organization by the members thereof.

10. North Warren Volunteer Fire Department.

11. Starbrick Volunteer Fire Department.

ARTICLE IV - License Application.

Every person desiring a license under this Ordinance shall first make application to the Municipality for such license. The applicant shall state:

1. Name, address and telephone number;
2. Criminal record, if any;
3. Name and address of the person by whom the applicant is employed;
4. Type of goods, services, wares, merchandise or materials the applicant wishes to deal with in such transient retail business;
5. Length of time for which the license is to be issued; and
6. Type and license number of the vehicle to be used, if any.

Where corporation, firm, partnership or association makes an application, all applicable personal information specified above shall be given for each

person who solicits or peddles within the Municipality and verified or affirmed by oath or affirmation of said person. An individual permit shall be required by each person soliciting or peddling. No permit under this Ordinance shall be transferable from one individual to another. A separate license fee shall be required for each license requested. However, whenever a corporation firm, partnership or association makes application for two (2) or more of its members or associates, on the same day, the fee for the second and all succeeding application requests made that day shall be Ten Dollars (\$10) per request.

ARTICLE V - Issuance of License; Custody, Display and Exhibit.

Upon receipt of such application and the prescribed fee, the Municipality, if it finds such application in order, shall issue the license required under this Ordinance. Such license shall contain the information required to be given on the application therefor. Every license holder shall carry such license upon his person if engaged in transient retail business from house to house or upon any of the streets, alleys, sidewalks, or public grounds, or shall display such license at the location where he shall engage in such business if doing so at a fixed location. He shall exhibit such license, upon request, to all police officers, municipal officials and citizens or residents of the Municipality.

ARTICLE VI - Prohibited Acts.

No person in any transient retail business shall:

1. Sell any product or type of product not mentioned in his license;
2. Hawk or cry his wares upon any of the streets, alleys, sidewalks or public grounds in the Municipality;
3. When operating from a vehicle, stop or park such vehicle upon any of the streets or alleys in the Municipality for longer than necessary in order to sell therefrom to persons residing or working in the immediate vicinity;
4. Park any vehicle upon any of the streets or alleys in the Municipality for the purpose of sorting, rearranging, or cleaning any of his goods, wares, or

merchandise or of disposing of any carton, wrapping material, or stock, wares or foodstuffs which have become unsalable through handling, age or otherwise;

5. Engage in any business activity, except by prior appointment, at any time on a Sunday or legal holiday or at any time before 8:00 A.M. or after 9:00 P.M. on any day of the week other than a Sunday or legal holiday; and

6. Enter in or upon private residences or touch or affix any item to any motor vehicle without the owner or occupant thereof allowing the licensee to do so.

ARTICLE VII - Suspension and Revocation of License; Appeal.

Any Conewango Township Police Officer or Supervisor is hereby authorized to suspend or revoke any license issued under this Ordinance when he deems such suspension or revocation to be beneficial to the public health, safety or morals for violation of any provision of this Ordinance, or for giving false information upon any application for a license hereunder. Appeals from any suspension or revocation may be made to the Board of Supervisors at any time within ten (10) days after such suspension or revocation with a hearing to be held at the next regular meeting of the Board. No part of a license fee shall be refunded to any person whose license shall have been suspended or revoked.

ARTICLE VIII - Penalties.

Any person, firm or corporation who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine not less than Two Hundred Dollars (\$200) and not more than Six Hundred Dollars (\$600), and/or to imprisonment for not more than ninety (90) days. Each day that a violation of this Ordinance continues shall constitute a separate offense.

ARTICLE IX - Repealer.

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed. The following ordinances or parts thereof are specifically repealed:

ARTICLE X - Severability.

If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Municipality that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

ARTICLE XI - Effective Date.

This Ordinance shall become effective five (5) days after its adoption.

IN WITNESS WHEREOF, the Supervisors of Conewango Township have caused this Ordinance to be adopted this 14th day of August, 1995.

CONEWANGO TOWNSHIP SUPERVISORS

C. Louis Edwards

Samuel D Mc Collough

Charles W Barone

ATTEST: (seal)

Charles W Barone
Secretary

Legal Notices 1

NOTICE is hereby given that the following ordinance will be considered for adoption at a duly convened meeting to be held at the Conewango Township Building on August 14, 1995, at 7:00 p.m., by the Board of Supervisors of Conewango Township, Warren County Pennsylvania. The title of the ordinance and a brief summary are as follows:

TRANSIENT BUSINESS ORDINANCE

This ordinance establishes a requirement that persons engaged in peddling, soliciting or taking orders for goods or wares or distributing promotional or advertising materials, within Conewango Township, be licensed. The Ordinance establishes a license application procedure including the payment of a fee for monthly or yearly licenses. The Ordinance also exempts certain individuals or organizations from the license requirement. The Ordinance also establishes certain standards to which all licensees must conform. The Ordinance also establishes penalties for violations of its terms.

A copy of the foregoing proposed Ordinance may be examined at the office of the Township during normal business hours.

Charles Barone,
Township Secretary
24561

August 2, 1995 - 11